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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WOJCIECHOWICZ, EDWARD JOSEPH

ART UNIT PAPER NUMBER

2815

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,042

Applicant(s)

HAN, K. MICHAEL

Examiner

Edward J Wojciechowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 8-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 8,9 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 8, 9, 13, 17, 18, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukiji. As shown in fig. 5G of Tsukiji, a memory cell is formed where the gate insulating layer (102) has a thinner thickness over the channel region than is formed over the source and drain regions. Tsukiji also shows a gate (103) formed over the gate insulating layer, and an ONO stack (107) which is formed so as to be situated over the gate insulating layer, as claimed. In addition, Tsukiji shows the first and second thicknesses of the gate insulator as being substantially uniform and formed of silicon dioxide.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukiji, and further in view of Libera et al, of record. As stated in the previous action, Libera also teaches the formation of a memory cell with a gate insulating layer formed to have different thicknesses. While Tsukiji does not specifically discuss the dimensions of his gate insulator portions, he does state that the thicker

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portions (122) can be three or four times thicker than the thin portions (102). See the discussion at col. 8, l. 1-5.

Libera, however, does give representative dimensions for the thinner portion of the gate insulation layer at approximately 80 Angstroms thick (col. 2, l. 5-10). This would put the thinner gate insulator portion in the same range of thickness claimed by applicant, i.e. approximately 8 nm. And given Tsukiji's teaching that the thicker portions of the gate insulator may be three or four times greater, applicant's claimed thickness range for the thicker portion of the gate insulator (20nm-30nm) would also be taught by these references.

Likewise, applicant's claimed ranges for the injection field strength would be inherently achieved due to the formation of the gate insulator layer at the claimed thicknesses.

One skilled in the art would be motivated to combine the teaching of these two references for several reasons. Both reference devices show memory cell formation with a gate insulating layer having different thicknesses. In addition, Tsukiji specifically teaches the preferred thickness of the portion of the thin gate insulator at approximately the same dimension as claimed, because such a dimension "is adapted to pass electric charges to the floating gate by tunnel effect..." (see col. 2, l.5-10).

Taken together, these references are properly combinable, and show all of the structural features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J Wojciechowicz whose telephone number is 703-308-4898. The examiner can normally be reached on Monday through Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and Same for After Final communications.

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EW:ew

July 21, 2003



EDWARD WOJCIECHOWICZ
PRIMARY EXAMINER
GROUP 2500